

Protection of Aquatic Life. The ammonia Basin Plan amendment is consistent with the U.S. EPA "Ambient Water Quality Criteria for Ammonia (Saltwater)-1989." The amendment revised the regulatory provisions of the Basin Plan by adding language to Chapter 3 "Water Quality Objectives."

For inland surface waters not characteristic of freshwater (including enclosed bays, estuaries, and wetlands), the proposed objectives are a 4-day average concentration of unionized ammonia of 0.035 mg/L, and a one-hour average concentration of unionized ammonia of 0.233 mg/L. The proposed objectives are fixed concentrations of unionized ammonia, independent of pH, temperature, or salinity. The proposed amendment includes an implementation procedure to convert un-ionized ammonia objectives to total ammonia effluent limits. The proposed amendment also simplifies the implementation procedures for translating ammonia objectives into effluent limits in situations where a mixing zone has been authorized by the Regional Water Board. Finally, the proposed amendment revises the implementation procedure for determining saltwater, brackish or freshwater conditions, to be consistent with the proposed objectives. The proposed objectives will apply only to inland surface waters not characteristic of freshwater (including enclosed bays, estuaries and wetlands) and do not impact the Ammonia Water Quality Objectives for ocean waters contained in the California Ocean Plan.

If salinity sampled at a particular receiving water station indicates brackish conditions, then the more stringent of the freshwater or saltwater objectives shall apply except where the Regional Water Board, by adoption of a resolution, approves the use of either freshwater or saltwater objectives per Implementation Provision 1(3)(a). However, based on the beneficial uses of the Basin Plan, the freshwater ammonia water objective is not applicable in the Santa Clara River Estuary. Therefore, the saltwater ammonia water objectives will be used to calculate the final ammonia effluent limitations for the Facility (See Section IV.C.2.i.(iii)(iv) in the accompanying Attachment F, and Attachment M).

The saltwater ammonia Basin Plan amendment was approved by the State Water Board, the Office of Administrative Law, and USEPA on July 22, 2004, September 14, 2004, and May 19, 2005, respectively.

The State Water Board adopted the *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975. This plan contains temperature objectives for surface waters. Requirements of this Order implement the Thermal Plan.

The 2006 303(d) listings for the Estuary are Chem A based on an unknown source and coliform bacteria and toxaphene based on nonpoint sources. The Total Daily Maximum Loads (TMDLs) for these pollutants in the Estuary have not been established.

V. RECEIVING WATER LIMITATIONS

A. Surface Water Limitations

Receiving water limitations are based on water quality objectives contained in the Basin Plan and are a required part of this Order. The discharge shall not cause the following in the Estuary:

1. For waters designated with a warm freshwater habitat (WARM) beneficial use, the temperature of the receiving water at any time or place and within any given 24-hour period shall not be altered by more than 5°F above the natural temperature (or above 70°F if the ambient receiving water temperature is less than 60°F) due to the discharge of effluent at the receiving water station located downstream of the discharge. Natural conditions shall be determined on a case-by-case basis.
2. The pH of inland surface waters shall not be depressed below 6.5 or raised above 8.5 as a result of wastes discharged. Ambient pH levels shall not be changed more than 0.5 units from natural conditions as a result of wastes discharged. Natural conditions shall be determined on a case-by-case basis.
3. The dissolved oxygen in the receiving water shall not be depressed below 5 mg/L as a result of the wastes discharged.
4. The fecal coliform concentration in the receiving water shall not exceed the following, as a result of wastes discharged:
 - a. Geometric Mean Limits
 - i. E.coli density shall not exceed 126/100 mL.
 - ii. Fecal coliform density shall not exceed 200/100 mL.
 - b. Single Sample Limits
 - i. E.coli density shall not exceed 235/100 mL.
 - ii. Fecal coliform density shall not exceed 400/100 mL.
5. Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in natural turbidity attributable to controllable water quality factors shall not exceed the following limits, as a result of wastes discharged:
 - a. Where natural turbidity is between 0 and 50 NTU, increases shall not exceed 20%; and,

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008,
February 20, 2008, and March 6, 2008

22

- b. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.
6. The wastes discharged shall not produce concentrations of toxic substances in the receiving water that are toxic to or cause detrimental physiological responses in human, animal, or aquatic life.
7. The wastes discharged shall not cause concentrations of contaminants to occur at levels that are harmful to human health in waters which are existing or potential sources of drinking water.
8. The concentrations of toxic pollutants in the water column, sediments, or biota shall not adversely affect beneficial uses as a result of the wastes discharged.
9. The wastes discharged shall not contain substances that result in increases in BOD, which adversely affect the beneficial uses of the receiving waters.
10. Waters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
11. The wastes discharged shall not cause the receiving waters to contain any substance in concentrations that adversely affect any designated beneficial use.
12. The wastes discharged shall not alter the natural taste, odor, and color of fish, shellfish, or other surface water resources used for human consumption.
13. The wastes discharged shall not result in problems due to breeding of mosquitoes, gnats, black flies, midges, or other pests.
14. The wastes discharged shall not result in visible floating particulates, foams, and oil and grease in the receiving waters.
15. The wastes discharged shall not alter the color of the receiving waters; create a visual contrast with the natural appearance of the water; nor cause aesthetically undesirable discoloration of the receiving waters.
16. The wastes discharged shall not contain any individual pesticide or combination of pesticides in concentrations that adversely affect beneficial uses of the receiving waters. There shall be no increase in pesticide concentrations found in bottom sediments or aquatic life as a result of the wastes discharged.
17. Acute Toxicity Receiving Water Quality Objective

- a. There shall be no acute toxicity in ambient waters as a result of wastes discharged.
 - b. Receiving water and effluent toxicity testing shall be performed on the same day as close to concurrently as possible.
 - c. The acute toxicity of the receiving water, at the Stations R-005 and R-003 located upstream and downstream, respectively, of the discharge, shall be such that: (i) the average survival in the undiluted receiving water for any three (3) consecutive 96-hour static, static-renewal, or continuous flow bioassay tests shall be at least 90%, and (ii) no single test producing less than 70% survival. Static-renewal bioassay tests may be used, as allowed by the most current USEPA test method for measuring acute toxicity.
 - d. If the upstream acute toxicity of the receiving water is greater than the downstream acute toxicity but the effluent acute toxicity is in compliance, the acute toxicity accelerated monitoring in the receiving water specified in MRP Section V.A.2.d does not apply.
18. Chronic Toxicity Receiving Water Quality Objective
- a. There shall be no chronic toxicity in ambient waters as a result of wastes discharged.
 - b. Receiving water and effluent toxicity testing shall be performed on the same day as close to concurrently as possible.
 - c. If the chronic toxicity in the receiving water at the monitoring station(s) immediately downstream of the discharge, exceeds the monthly median of 1.0 TU_c trigger in a critical life stage test and the toxicity cannot be attributed to upstream toxicity, as assessed by the Discharger, then the Discharger shall immediately implement an accelerated chronic toxicity testing according to Monitoring and Reporting Program CI 1822, section V.B.3. If two of the six tests exceed a monthly median of 1.0 TU_c trigger, the Discharger shall initiate a TIE and implement the Initial Investigation TRE Workplan.
 - d. If the chronic toxicity of the receiving water upstream of the discharge is greater than the downstream and the TU_c of the effluent chronic toxicity test is less than or equal to a monthly median of 1 TU_c trigger, then accelerated monitoring need not be implemented.

B. Groundwater Limitations

The discharge shall not cause the underlying groundwater to be degraded, to exceed water quality objectives, unreasonably affect beneficial uses, or cause a condition of pollution or nuisance.

VI. PROVISIONS

A. Standard Provisions

1. The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
2. The Discharger shall comply with the Regional Water Board-specific Standard Provisions as follows:
 - a. Neither the treatment nor the discharge of pollutants shall create a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code.
 - b. Odors, vectors, and other nuisances of sewage or sludge origin beyond the limits of the treatment plant site or the sewage collection system due to improper operation of facilities, as determined by the Regional Water Board, are prohibited.
 - c. All facilities used for collection, transport, treatment, or disposal of "wastes" shall be adequately protected against damage resulting from overflow, washout, or inundation from a storm or flood having a recurrence interval of once in 100 years.
 - d. Collection, treatment, and disposal systems shall be operated in a manner that precludes public contact with wastewater.
 - e. Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the Executive Officer of the Regional Water Board.
 - f. The provisions of this order are severable. If any provision of this order is found invalid, the remainder of this Order shall not be affected.
 - g. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the CWA.
 - h. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities or penalties to which the discharger is or may be subject to under Section 311 of the CWA.
 - i. The Discharger must comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008,
February 20, 2008, and March 6, 2008

regarding discharges of storm water to storm drain systems or other water courses under their jurisdiction; including applicable requirements in municipal storm water management program developed to comply with NPDES permits issued by the Regional Water Board to local agencies.

- j. Discharge of wastes to any point other than specifically described in this Order is prohibited, and constitutes a violation thereof.
- k. The Discharger shall comply with all applicable effluent limitations, national standards of performance, toxic effluent standards, and all federal regulations established pursuant to Sections 301, 302, 303(d), 304, 306, 307, 316, 403, and 405 of the Federal CWA and amendments thereto.
- l. These requirements do not exempt the operator of the waste disposal facility from compliance with any other laws, regulations, or ordinances which may be applicable; they do not legalize this waste disposal facility, and they leave unaffected any further restraints on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
- m. Oil or oily material, chemicals, refuse, or other pollutionable materials shall not be stored or deposited in areas where they may be picked up by rainfall and carried off of the property and/or discharged to surface waters. Any such spill of such materials shall be contained and removed immediately.
- n. A copy of these waste discharge specifications shall be maintained at the discharge facility so as to be available at all times to operating personnel.
- o. If there is any storage of hazardous or toxic materials or hydrocarbons at this facility and if the facility is not manned at all times, a 24-hour emergency response telephone number shall be prominently posted where it can easily be read from the outside.
- p. The Discharger shall file with the Regional Water Board a Report of Waste Discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.
- q. In the event of any change in name, ownership, or control of these waste disposal facilities, the discharger shall notify the Regional Water Board of such change and shall notify the succeeding owner or operator of the existence of this Order by letter, copy of which shall be forwarded to the Regional Water Board.
- r. The CWC provides that any person who violates a waste discharge requirement or a provision of the CWC is subject to civil penalties of up to

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008,
February 20, 2008, and March 6, 2008

EXHIBIT A

\$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$25 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations. Violation of any of the provisions of the NPDES program or of any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalty may be applied for each kind of violation.

- s. Under CWC 13387, any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this order, including monitoring reports or reports of compliance or noncompliance, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained in this order and is subject to a fine of not more than \$25,000 or imprisonment of not more than two years, or both. For a second conviction, such a person shall be punished by a fine of not more than \$25,000 per day of violation, or by imprisonment of not more than four years, or by both.
- t. The discharge of any waste resulting from the combustion of toxic or hazardous wastes to any waste stream that ultimately discharges to waters of the United States is prohibited, unless specifically authorized elsewhere in this permit.
- u. The Discharger shall notify the Executive Officer in writing no later than 6 months prior to planned discharge of any chemical, other than the products previously reported to the Executive Officer, which may be toxic to aquatic life. Such notification shall include:
 - i. Name and general composition of the chemical;
 - ii. Frequency of use;
 - iii. Quantities to be used;
 - iv. Proposed discharge concentrations; and,
 - v. USEPA registration number, if applicable.
- v. In the event the Discharger does not comply or will be unable to comply for any reason, with any prohibition, maximum daily effluent limitation, or receiving water limitation of this Order, the Discharger shall notify David Hung at the Regional Water Board by telephone (213) 576-6664 within 24 hours of having knowledge of such noncompliance, and shall confirm this

notification in writing within five days, unless the Regional Water Board waives confirmation. The written notification shall state the nature, time, duration, and cause of noncompliance, and shall describe the measures being taken to remedy the current noncompliance and, prevent recurrence including, where applicable, a schedule of implementation. Other noncompliance requires written notification as above at the time of the normal monitoring report.

B. Monitoring and Reporting Program (MRP) Requirements

The Discharger shall comply with the MRP, and future revisions thereto, in Attachment E of this Order.

C. Special Provisions

1. Reopener Provisions

- a. This Order may be modified, revoked and reissued, or terminated for cause, including, but not limited to:
 - i. Violation of any term or condition contained in this Order;
 - ii. Obtaining this Order by misrepresentation, or by failure to disclose fully all relevant facts; and,
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the Discharger for an Order modification, revocation, and issuance or termination, or a notification of planned changes or anticipated noncompliances does not stay any condition of this Order.

- b. This Order may be reopened for modification, or revocation and reissuance, as a result of the detection of a reportable priority pollutant generated by special conditions included in this Order. These special conditions may be, but are not limited to, fish tissue sampling, whole effluent toxicity, monitoring requirements on internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in this Order as a result of the special condition monitoring data.
- c. This Order may be modified, in accordance with the provisions set forth in 40 CFR, Parts 122 and 124 to include requirements for the implementation of the watershed protection management approach.

- d. The Board may modify, or revoke and reissue this Order if present or future investigations demonstrate that the discharge(s) governed by this Order will cause, have the potential to cause, or will contribute to adverse impacts on water quality and/or beneficial uses of the receiving waters.
- e. This Order may also be modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR, Parts 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order, endangerment to human health or the environment resulting from the permitted activity, or acquisition of newly obtained information which would have justified the application of different conditions if known at the time of Order adoption. The filing of a request by the District for an Order modification, revocation and issuance or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
- f. This Order may be modified, in accordance with the provisions set forth in 40 CFR, Parts 122 to 124, to include new MLs.
- g. This Order may be reopened and modified, to revise effluent limitations as a result of future Basin Plan Amendments, such as an update of a water quality objective, or the adoption of a TMDL for the Santa Clara River Estuary.
- h. This Order may be reopened and modified, to revise effluent limitations as a result of the delisting of a pollutant from the 303(d) list.
- i. This Order may be reopened and modified to revise the chronic toxicity effluent limitation, to the extent necessary, to be consistent with State Board precedential decisions, new policies, new laws, or new regulations.
- j. This Order may be reopened to modify final effluent limits, if at the conclusion of necessary studies conducted by the Discharger, the Regional Water Board determines that dilution credits, attenuation factors, water effects ratio, or metal translators are warranted.
- k. This Order will be reopened upon completion of the Wetlands Feasibility Study specified in Section VI.C.2.a.iv. of this Order.

2. Special Studies, Technical Reports and Additional Monitoring Requirements

- a. **Special Studies** – Under the supervision of the Regional Board, and with ongoing input from, and in collaboration with the Regional Board, the City will prepare special studies on an integrated and coordinated basis as set forth in this section. All studies will be approved by the Executive Officer of the Regional Board.
- i. Several special studies have been conducted since 2001. These studies were all associated with the influences of the discharge on the Estuary and included the *Salinity study*, *Residence Species Study*, *Metal Translator Study*, *Updated Enhancement Study*, and the *copper Water Effect Ratio Study*.
- ii. **Estuary Subwatershed Study.** In order to optimize discharge conditions under the Bays and Estuaries Policy and to avoid negative impacts from the Facility's flows to the Estuary and to protect beneficial uses within the Estuary system and subwatershed, including those related to sensitive, endangered and threatened species as well as human recreation, the discharger shall submit a Work Plan within 6 months of the effective date of this Order, subject to the approval of the Executive Officer, to conduct a system-wide Estuary Subwatershed Study. The Regional Board will encourage participation in the development and implementation of this Work Plan by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), California Department of Parks and Recreation (CDPR), the National Marine Fisheries Service (NMFS), Heal the Bay, Audubon Society, other dischargers and water users, and other interested stakeholders in the Estuary subwatershed (collectively "Stakeholders"). The City will consider all input received from participating Stakeholders in preparing and implementing the Work Plan. This Work Plan must address the following:
- (a). An Estuary water balance study to:
- Quantify the average monthly, seasonal and annual flows to the Estuary from all quantifiable sources, including groundwater exfiltration, surface water runoff, Santa Clara River flows, and Facility discharges;
 - More specifically define the relationship between incoming flows and Estuary and habitat area, depth and volume; and,

- Identify alternatives for future discharge flows, volumes and practices and map spatial inundation characteristics correlated with each discharge alternative, including the inundation boundaries for the existing and proposed treatment wetlands, the Estuary and adjacent McGrath State Park areas, and the areas, depths and volumes for the Estuary and its habitats, including critical habitat areas for listed aquatic species and nesting and foraging habitat areas for birds such as the California least tern.
- (b). The function of the sub-watershed and Estuary as a single unit.
- (c). The following monitoring requirements:
- Continuation of the "Fish Survey" and "Macroinvertebrate Monitoring Plan" to assess population and number trends (An Index of Biological Integrity score should be calculated from annual macroinvertebrate surveys);
 - The influences of groundwater on the Estuary water volume and quality;
 - An evaluation of the breaching frequency and impacts on the water quality and endangered species of the Estuary, and subwatershed water quality, including impacts on beach water quality downshore;
 - The establishment of temporary receiving water monitoring station in a portion of the Estuary that temporally extends beyond the normal boundaries of the Estuary;
 - The influences of discharge on the McGrath State Park bird habitat areas;
 - An inventory of existing and potential bird nesting and foraging habitats within the Estuary, and a quarterly inventory of bird species and their numbers using the Estuary and wildlife/treatment ponds throughout the year, and the relationship of habitat types present and the success of California Least Tern and other sensitive avian species using the Estuary.
 - The potential for all impacts on the Tidewater Goby and all listed species, plant and animal and aquatic invertebrates that shorebirds depend on.

- An evaluation of dissolved oxygen (DO) conditions in the Estuary taking into account daily natural background DO levels and cycles within healthy, highly functioning Estuaries, including diurnal, or more frequent monitoring including predawn sampling within the Estuary for DO and preparation of a DO trend analysis based on existing data and new data obtained.
- (d). The Work Plan shall provide that the work products discussed in sections (a) and (b) above, and other related work products determined to be necessary and appropriate by the Executive Officer, shall be completed and submitted to the Regional Board no later than 3 years and from the effective date of this Order.
- iii. **Recycled Water Market Study.** Based on information in, and conclusions of the Estuary Subwatershed Study discussed in section ii above, and the Treatment Wetlands Study discussed in section iv below the City will develop and implement a work plan to identify, research and evaluate feasibility of alternatives for increasing water reuse throughout the City and other areas within five miles of the Waste Water Reclamation Facility (based on sufficient proximity to infrastructure and facilities locations).
- (a). The Study and Work Plan will be designed to determine the maximum volume of recycled water that should be planned for in order to meet the following goals:
- Optimize discharge flows, volume and practices for protection of beneficial uses, and environmental functions and values of the Estuary, including uses and functions related to provision of habitat for aquatic, terrestrial and avian sensitive, endangered, and threatened species;
 - Implement the best feasible configuration for treatment wetlands to further enhance surface flow water quality prior to discharge to the Estuary and subwatershed environmental functions and values; and,
 - Most appropriately conserve and recycle water, in light of the foregoing goals, and anticipated increases in influent, increases in water demand, and the potential for decreasing supplies.
- (b). A phased Work Plan for the Recycled Water Market Study shall be submitted on the date that is six months after the effective date of this Order. Phase 1 of the Recycled Water Market

Study shall address macro-level supply and demand issues and their impact on a local recycled water market, together with potential local recycled water supply that could potentially be generated and demand for local supply from both anticipated population growth and expansion of the City's service area. Phase 1 of the Recycled Water Study shall be completed within 2 years of the effective date of this Order.

Phase 2 of the Recycled Market Study shall commence on or before the date that is 3 years from the effective date of this Order, and shall address identify, research and evaluate feasibility of alternatives for increasing effluent reclamation and use of recycled water based on information in, and conclusions of the Estuary Water Balance Study, the Treatment/Wildlife Pond Study, and Phase 1 of the Recycled Market Study, in order to meet the goals set forth in this Permit and developed within the Study.

Phases 1 and 2 of the Recycled Water Study shall be completed prior to the expiration of the term of this Order.

- iv. **Treatment Wetlands Feasibility Study.** The City will complete a Treatment Wetlands Feasibility Study within two years of the effective date of this Order. The Regional Board will encourage participation in the development and implementation of this study by the Stakeholders (the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), California Department of Parks and Recreation (CDPR), the National Marine Fisheries Service (NMFS), Heal the Bay, Audubon Society, other dischargers and water users, and other interested stakeholders in the Estuary subwatershed). The City will consider all input received from participating Stakeholders in preparing and implementing the Work Plan.

(a). The Treatment Wetlands Feasibility Study will include:

- Identification of a preferred proposed wetland site location and preliminary, planning level design specifications for additional treatment wetlands;
- Preliminary planning level specifications and measures to maximize treatment for nutrients and to address other contaminants appropriate for wetlands treatment;
- Modeling to predict projected discharge-related pollutant loads and concentrations entering the treatment wetlands,

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008, February 20, 2008, and March 6, 2008

EXHIBIT A

pollutant loads and concentrations leaving the treatment wetlands;

- Preliminary planning level design and operational specifications and measures that can enhance wildlife use of the treatment wetlands without adversely affecting or limiting treatment functions; and,
- Preliminary construction, maintenance and operation cost estimates and the shortest realistic and practicable proposed schedule for environmental approval, permitting and construction of additional treatment wetlands.

(b). At the conclusion of the Treatment Wetlands Study and upon concurrence of participating Stakeholders or the Executive Officer of the Regional Board with the recommended additional wetlands treatment project, the City will begin during the term of this Order to implement the environmental approval, permitting and construction processes for the additional treatment wetlands in accordance with the recommendations and schedules established by the Study. Accordingly, the City will undertake, without limitation, the following tasks:

- Preparation of documentation, and initiation of public review and hearing processes and other required activities related to incorporation of the recommended additional wetlands treatment project into the City's integrated long-range water resource plan;
- Preparation of documentation, and initiation of public review and hearing processes and other required activities related to review and approval of the additional wetlands treatment project under the California Environmental Quality Act;
- Preparation of permit applications, supporting plans and materials, and other activities related to incorporation of the recommended additional wetlands treatment project under local land use regulations and applicable state and federal environmental laws;
- Preparation of design documents and construction plans for the additional wetlands treatment project; and,

- Upon receipt of all required permits, approvals and environmental clearances, construction activities related to implementation of the additional wetlands treatment project.

In the event the stakeholders do not concur, the Regional Board staff will consider the opinions submitted by all stakeholders. The EO will advise the City as to how to proceed, if she feels it is appropriate, may bring the matter to the Regional Board, and the permit may be reopened to consider such recommendations or other relevant matters.

- (c). The Regional Board shall reopen this Permit to consider revision of permit provisions to require implementation of the additional wetlands treatment project determined by the Wetlands Feasibility Study to be appropriate for implementation, and concurred with by the Regional Board and participating stakeholders. Any new or revised permit requirements considered or adopted pursuant to this re-opener shall be consistent with the approval, permitting, design and construction actions and schedules developed in the Treatment Wetlands Feasibility Study, and shall allow reasonable time frames for completion of identified activities. The re-opened permit, if adopted, shall be for a term of 5 years, and shall require during that term the completion of all approval, permitting, and design processes and commencement of construction activities. The new permit requirements shall further expressly acknowledge that permitting and approval processes are subject to the potential for delays that are not reasonably within the control of Discharger, and Discharger shall not be held in violation of the permit as revised for any failure to comply with its terms resulting from delays in those processes that are not reasonably within its control, including, by way of example, third party appeal or litigation of any required approvals or permits.

b. Toxicity Reduction Requirements

The Discharger shall prepare and submit a copy of the Discharger's initial investigation Toxicity Reduction Evaluation (TRE) workplan to the Executive Officer of the Regional Water Board for approval within 90 days of the effective date of this permit. If the Executive Officer does not disapprove the workplan within 60 days from the date in which it was received, the workplan shall become effective. The Discharger shall use USEPA manual EPA/833B-99/002 (municipal) as guidance, or most current version. At a minimum, the initial investigation TRE workplan must contain the provisions in Attachment E. This workplan shall describe the

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008,
February 20, 2008, and March 6, 2008

steps the Discharger intends to follow if toxicity is detected, and should include, at a minimum:

- i. A description of the investigation and evaluation techniques that will be used to identify potential causes and sources of toxicity, effluent variability, and treatment system efficiency.
- ii. A description of the facility's methods of maximizing in-house treatment efficiency and good housekeeping practices, and a list of all chemicals used in the operation of the facility; and,
- iii. If a toxicity identification evaluation (TIE) is necessary, an indication of the person who would conduct the TIEs (i.e., an in-house expert or an outside contractor).

If the effluent toxicity test result exceeds the limitation, then the Discharger shall immediately implement accelerated toxicity testing that consists of six additional tests, approximately every two weeks, over a 12-week period. Effluent sampling for the first test of the six additional tests shall commence within 3 days of receipt of the test results exceeding the toxicity limitation.

If the results of any two of the six tests (any two tests in a 12-week period) exceed the limitation, the Discharger shall initiate a Toxicity Reduction Evaluation (TRE).

If results of the implementation of the facility's initial investigation TRE workplan (as described above) indicate the need to continue the TRE/TIE, the Discharger shall expeditiously develop a more detailed TRE workplan for submittal to the Executive Officer within 15 days of completion of the initial investigation TRE.

Detailed toxicity testing and reporting requirements are contained in Section V of the MRP, (Attachment E).

c. Treatment Plant Capacity

The Discharger shall submit a written report to the Executive Officer of the Regional Water Board within 90 days after the "30-day (monthly) average" daily dry-weather flow equals or exceeds 75 percent of the design capacity of waste treatment and/or disposal facilities. The Discharger's senior administrative officer shall sign a letter, which transmits that report and certifies that the discharger's policy-making body is adequately informed of the report's contents. The report shall include the following:

- i. The average daily flow for the month, the date on which the peak flow occurred, the rate of that peak flow, and the total flow for the day;
- ii. The best estimate of when the monthly average daily dry-weather flow rate will equal or exceed the design capacity of the facilities; and,
- iii. A schedule for studies, design, and other steps needed to provide additional capacity for waste treatment and/or disposal facilities before the waste flow rate equals the capacity of present units.

This requirement is applicable to those facilities which have not reached 75 percent of capacity as of the effective date of this Order. For those facilities that have reached 75 percent of capacity by that date but for which no such report has been previously submitted, such report shall be filed within 90 days of the issuance of this Order.

3. Best Management Practices and Pollution Prevention

a. Storm Water Pollution Prevention Plan (SWPPP)

Within 90 days of the effective date of this Order the Discharger shall submit an updated SWPPP that describes site-specific management practices for minimizing contamination of storm water runoff and for preventing contaminated storm water runoff from being discharged directly to waters of the State to the Regional Water Board. The SWPPP shall be developed in accordance with the requirements in *Storm Water Pollution Prevention Plan Requirements* (Attachment H). If all storm water is captured and treated on-site and no storm water is discharged or allowed to run off-site from the Facility, the Discharge shall provide certification with descriptions of on-site storm water management to the Regional Water Board.

b. Spill Contingency Plan (SCP)

Within ninety days, the Discharger is required to submit a Spill Clean-up Contingency Plan, which describes the activities and protocols, to address clean-up of spills, overflows, and bypasses of untreated or partially treated wastewater from the Discharger's collection system or treatment facilities, that reach water bodies, including dry channels and beach sands. At a minimum, the Plan shall include sections on spill clean-up and containment measures, public notification, and monitoring. The Discharger shall review and amend the Plan as appropriate after each spill from the facility or in the service area of the facility. The Discharger shall include a discussion in the annual summary report of any modifications to the Plan and the application of the Plan to all spills during the year.

Limitations and Discharge Requirements

April 27, 2007; Revised October 23, 2007, November 8, 2007, January 7, 2008, February 20, 2008, and March 6, 2008